

REMARKS

In the Office Action, the Examiner rejects claims 1-6 under 35 U.S.C. 102(e) as anticipated by International Application No. PCT WO 98/39707 by Casagrande et al. (“Casagrande”). The Applicants’ add claims 7-20 to more fully claim aspects of the present invention. There are a number of differences between the methods and systems as described and claimed in the present application and those of Casagrande, several of which are now discussed. For at least the reasons set forth below, the applicants respectfully assert that the pending claims are patentable over the prior art of record and request their allowance.

Casagrande discusses systems and methods for monitoring downloads by a client application. (page 6, lines 6-7) More specifically, Casagrande discusses monitoring downloads at a client and restarting downloads in case of a failure. (page 6, lines 6-24) In some embodiments, a client requests a data file and then a client program process monitors the download operation. (page 18, lines 12-17) The client keeps track of how much data has been reliably retrieved and requests the server to retrieve the remainder of the data in the event of failure. (page 19, lines 6-9) When a data file transfer is requested, a client program stored on a server is first downloaded with the location of the requested data file stored within the program, and the client program is then executed on the client computer to download the file. (page 19, lines 11-18) In all embodiments discussed in Casagrande, a program residing at the client is responsible for monitoring and keeping track of the status of an ongoing data file transfer. If the client monitoring program detects a failure in the download, then a download request is reissued for the remaining part of the file. (page 6, line 6 – page 9, line 4)

Thus, Casagrande presents methods for monitoring the status of a download at a client for failure and reissuing download requests in the event of a failure. These methods, however, are achieved at the expense of client processing resources and require, at minimum, a client program to monitor the status of the download and reissue download requests in the event of failure. As discussed by Casagrande, monitoring the status of a download is an ongoing process which, by definition, takes place continually until the download is complete thus consuming client resources such as processor cycles, memory, etc. Additional client resources are consumed when a download request is reissued.

Thus, with respect to claim 1, Applicants respectfully disagree that Casagrande discloses or even suggests a system including a destination data mover and a source data mover, communicatively coupled to the at least one storage device, that analyzes the file to determine whether to send the file to the destination data mover in chunks. The source data mover analyzes a file, rather than an ongoing file transfer, and determines whether to send the file to a destination data mover in chunks. Thus, unlike Casagrande which relates to monitoring the status of downloads and restarting ongoing downloads, the system in claim 1 analyzes files to determine whether to send files as chunks to a destination data mover.

In addition, Casagrande does not disclose or suggest the elements in claim 2, including a destination data mover and a source data mover, communicatively coupled to at least one storage device that sends a file to the destination data mover in chunks along with header information instructing the destination data mover regarding the chunks. For at least the above reasons, claim 2 is patentable over the cited art.

In addition, for at least reasons similar to those set forth above, Casagrande does not disclose or suggest the elements in claim 3, including a data storage system comprising a destination data mover and a source data mover, communicatively coupled to the at least one storage device, for determining, according to characteristics of the file, whether to send the file to the destination data mover in chunks. For at least the above reasons, claim 3 is patentable over the cited art.

In addition, for at least reasons similar to those set forth above, Casagrande does not disclose or suggest the elements in claim 5, including a data storage system comprising a destination data mover and a source data mover, communicatively coupled to the at least one storage device, that sends the file to the destination data mover in chunks, according to file characteristics, along with header information instructing the destination data mover regarding the chunks. For at least the above reasons, claim 5 is patentable over the cited art.

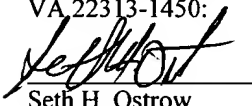
The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over Casagrande and the other prior art of record. However, given the applicants' position on the patentability of the independent claims, it is not deemed necessary at this point to delineate such distinctions.

Entry and favorable consideration of the present amendment is respectfully requested. No new matter has been added. The Applicant believes that all claims as presently pending are patentable and early allowance is requested. To expedite the prosecution of this application to allowance, the examiner is invited to call the Applicant's undersigned representative to discuss any issues regarding this application.

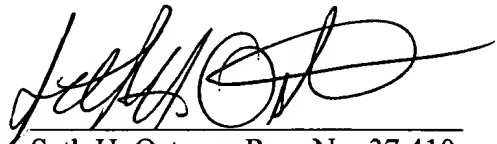
The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to deposit account no. 02-4270.

Respectfully submitted,

I hereby certify that the correspondence attached herewith is being transmitted by First Class Mail to, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:


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12-30-02
Date


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